REMARKS

The Present Invention and the Pending Claims

Claims 1-16 are pending and are directed to an adhesive composition for application to skin.

Summary of the Office Action

The Office has rejected claims 1-16 under 35 U.S.C. § 102(b or e) as allegedly anticipated by, or under 35 U.S.C. § 103(a) as allegedly obvious in view of, Muraoka et al. (U.S. Patent No. 5,876,745) or Muraoka et al. (U.S. Patent No. 6,139,867). Reconsideration of these rejections is respectfully requested.

Note about "Response to Arguments" Section of the Office Action

Applicants thank Examiner Reddick for her consideration of the arguments of the Appeal Brief and withdrawal of the anticipation rejection of claims 1-16 under 35 U.S.C. § 102(b) over Shirai et al. (U.S. Patent No. 5,543,151). Applicants would like confirmation that the alternative obviousness rejection of claims 1-16 under 35 U.S.C. § 103(a) over Shirai et al. (see page 2 of Advisory Action dated March 21, 2003) also has been withdrawn by the Office.

Discussion of the Rejections

The Office contends that the Muraoka references (U.S. Patent Nos. 5,876,745 and 6,139,867) disclose every element of the pending claims. This rejection is traversed for the following reasons.

The invention pertains to an adhesive composition for application to skin. The adhesive composition of the invention comprises (1) an acrylic copolymer and (2) a carboxylic acid ester (20-120 parts by weight), which is liquid or paste at room temperature. The acrylic copolymer (100 parts by weight) is obtained from a monomer mixture containing (A) a (meth)acrylic acid alkyl ester monomer (40-80 wt.%), (B) an alkoxy group-containing ethylenically unsaturated monomer (10-60 wt.%), and (C) a carboxy group-containing ethylenically unsaturated monomer (1-10 wt.%).

The inclusion of these three specific components (i.e., (A), (B), and (C)) is essential to the invention (see, e.g., page 6, lines 13-20, of the specification). For example, component (B) imparts hydrophilicity to the acrylic copolymer and makes the adhesive layer water vapor permeable and hygroscopic. Component (C) improves internal cohesion of the adhesive layer by providing the carboxylic group therein as a reaction point of crosslinking. Accordingly,

when an adhesive composition containing an acrylic copolymer obtained from these three components is used as the adhesive layer, an adhesive tape or sheet for the skin is obtained that results in little irritation of the skin surface and that shows superior adhesion to the skin (even during perspiration).

As discussed with respect to the Shirai reference in the "Response to Office Action" dated February 27, 2003, and the Appeal Brief dated September 2, 2003, the Muraoka references similarly recite the individual components (A), (B), and (C), but do not specifically disclose an acrylic copolymer obtained from all three components (A), (B), and (C), as recited in the pending claims. Nor do the Muraoka references disclose that all three components (A), (B), and (C) are essential components of the adhesive composition. Additionally, none of the examples disclosed by Muraoka references provide an acrylic copolymer prepared from the particular three components (A), (B), and (C).

Based on the long list of monomers disclosed by the Muraoka references (see, e.g., column 2, line 64, through column 4, line 6, of U.S. Patent No. 5,876,745), and consequently the many possible permutations and combinations of components resulting in an acrylic copolymer, one of ordinary skill in the art would *not* consider that the Muraoka references actually *disclose* the particular acrylic copolymer obtained from the combination of components (A), (B), and (C) as recited in the pending claims. Under the circumstances, the present invention cannot properly be considered to have been anticipated by the Muraoka references.

In addition, there is nothing in the Muraoka references that would direct or motivate one of ordinary skill in the art to single out the specific monomers (A), (B), *and* (C) in order to provide an acrylic copolymer (1) as recited in the appealed claims, which is combined with a carboxylic acid ester (2) that is liquid or paste at room temperature to form an adhesive composition defined by the pending claims. After reading the Muraoka references, one of ordinary skill in the art would not be motivated to pick and choose the particular monomers among the numerous monomers listed (see, e.g., column 2, line 64, through column 4, line 6, of U.S. Patent No. 5,876,745), that would allow for the preparation of the adhesive composition of the invention. Similar to Applicants' discussion concerning the Shirai reference, the only way in which the Muraoka references can be considered to teach or suggest the acrylic copolymer obtained from the combination of components (A), (B), and (C) and its combination with a carboxylic acid ester to form an adhesive composition is through the use of impermissible hindsight, i.e., with the knowledge of the present application and the invention as claimed therein. The use of such hindsight, of course, cannot serve as a proper basis for an obviousness rejection.

Moreover, the unobviousness of the invention defined by the pending claims is further evidenced by benefits attendant the invention and the failure of the Muraoka references to

disclose or suggest how to achieve those benefits in an adhesive composition by the selection of the particular components needed to provide the invention. Specifically, the invention provides an adhesive composition having superior adhesion to the skin during perspiration (see, e.g., specification page 2, lines 19-22) by imparting hydrophilicity to the acrylic polymer and vapor permeability and hygroscopicity to the adhesive composition. As discussed above, the inclusion of component (B) in the acrylic copolymer is essential to impart hydrophilicity to the copolymer and to make the adhesive layer water vapor permeable and hygroscopic. The Muraoka references do not disclose or suggest the importance of including an alkoxy group-containing ethylenically unsaturated monomer (B) along with components (A) and (C) to form an acrylic copolymer for use in preparing an adhesive composition. Indeed, the Muraoka references do not describe or suggest the problems associated with using an adhesive composition during excessive perspiration or aim at solving these problems.

In view of the failure of the Muraoka references to direct one of ordinary skill in the art to the particular combination of elements necessary to arrive at the invention, and in view of the unexpected properties attendant the particular combination of elements of the invention, the invention must be considered to be unobvious over the Muraoka references.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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Date: March 3, 2004